

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

STERLING ASKEW, as Father, Next of Kin
and as Administrator Ad Litem/Personal
of the Estate of STEVEN ASKEW, Deceased, and
SYLVIA ASKEW, as Mother and Next of Kin
of STEVEN ASKEW, Deceased,

Plaintiffs,

v.

No. 2:14-cv-02080-STA-tmp

CITY OF MEMPHIS,
TONEY ARMSTRONG, Individually,
and in His Official Capacity as the
Police Director of the Memphis Police Department,
OFFICER NED AUFDENKAMP (#11914),
Individually and in his Official Capacity
as a Police Officer with the Memphis Police Department,
OFFICER MATTHEW DYESS (#12402),
Individually and in his Official Capacity
as a Police Officer with the Memphis Police Department,

Defendants.

MOTION TO EXCLUDE TESTIMONY
OF PLAINTIFF'S PROPOSED EXPERT MICHAEL A. KNOX

Pursuant to Federal Rule of Evidence 702 and supporting case law, Defendant City of Memphis moves to exclude testimony of Plaintiff's proposed expert, Michael A. Knox, and in support thereof states as follows:

1. Mr. Knox's opinion with regard to the reconstruction of the shooting incident is based upon speculation and conjecture.
2. Mr. Knox's opinion relative to the events leading up to the shooting of Mr. Askew are irrelevant under the Segmenting Rule.
3. Mr. Knox's opinion relative to the investigation in this case is irrelevant based upon existing law under 42 U.S.C. Section 1983.
4. Mr. Knox's opinion relating to training in this case is based upon speculation and conjecture and should be excluded under Rule 707 and existing law pursuant to 42 U.S.C. Section 1983.
5. Mr. Knox's legal conclusions, speculation and comments are inappropriate and should be excluded.

Respectfully submitted,

/s/ Henry L. Klein

Henry L. Klein, #8856

/s Richard J. Myers

Richard J. Myers #15577

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been forwarded to the following via U.S. mail, postage prepaid this the _____ day of October, 2015:

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